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Editorials Our Opinions

Throw Out CIA Case

THE JUSTICE Department is again in the courts trying to prevent publication of materials it says would "result in grave and irreparable damage to the national defense interests of the United States and the conduct of foreign relations."

This time it is an ex-agent of the Central Intelligence Agency (CIA) who has written a magazine article about the organization's activities. Ironically, the manuscript has been rejected by Esquire magazine and, so far, has not even been sold to a publication.

The temporary restraining order also prevents Victor L. Marchetti, the former agent, from publishing a book about the CIA, a book, incidentally, that has not even been written yet. All he has is a contract with a publisher for a book on the CIA.

The interesting aspect of the case is that Mr. Marchetti does not seem at all bent on writing

an expose of the CIA's clandestine activities.

His former CIA boss, Adm. Rufus L. Taylor, former deputy director of Central Intelligence, told the New York Times that Marchetti has never, so far as he knows, revealed intelligence secrets. Adm. Taylor said he has read one other article by Mr. Marchetti and accounts of several interviews with him; all of them, he said, were "inaccurate but not damaging."

Mr. Marchetti has described the book he plans to write as "a balanced attempt to try to explain how the agency works." He even said he plans to submit his book manuscript to the CIA for scrutiny before it is published.

This incident reveals the extreme nervousness of CIA officials at the prospect of having more and more of the agency's operations scrutinized by the public. But that is long overdue. It certainly can be done without jeopardizing the nation's security.

What is regrettable is that the Justice Department should go to bat for the CIA in the courts to prevent a former government employee from speaking or writing.

The Justice Department should have learned in its celebrated Pentagon Papers case that the U.S. Supreme Court does not look lightly on the imposition of "prior restraint" to prohibit the publication of articles or documents. And Mr. Marchetti's article and proposed book about the CIA certainly pose much less of a threat to national security than Justice Department officials claimed for the Pentagon Papers.

The federal judge who granted the temporary restraining order should waste no time in throwing the case out. And he might couple that action with a reminder to the Justice Department that it has better things to do than to continue in attempts to abridge the First Amendment to the U.S. Constitution.

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CIA Anchor Around Neck of Diplomacy

THE ROLE of the Central Intelligence Agency, whether real or imagined, has been enormous in many foreign countries. Evidence points to CIA functionaries plotting and executing major foreign policy decisions without the knowledge or approval of official Washington.

This role has been so widespread — and so disturbing — that it has become a serious anchor around the neck of American diplomacy. Foreign diplomats speak with open contempt for the CIA. Fears of the secret agency's presence lurk in the minds of friends and foes around the world to a point where all American activity is suspect.

Evidence of the difficulty the CIA can cause is found in Chile where various forces claim the assassination of former Vice President Edmundo Perez Zujovic was caused directly by the

American intelligence agency.

A simple look at the facts would indicate this judgment is totally wrong. Perez Zujovic was a member of the Christian Democrat party that was ousted by Marxist President Salvador Allende. Why would the CIA have any reason to murder a former political official whose party was friendly to the U.S.?

The difficulty persists because the CIA has a reputation of being behind all violent plots and intrigue in Latin America and elsewhere. The agency's role in Guatemala, Greece, Iraq and Cuba are some of the more famous attempts by the U.S. government to use subversion to achieve diplomatic goals.

Little can be done now to remove the fears created by past episodes. Yet flat assurances from President Nixon that the CIA will pull in its

fangs and refrain from any activity that involves undermining foreign governments would be welcome.

The President has repeatedly stressed the importance of self-determination as it applies to national interests in other countries. Self-determination cannot succeed if secret agents are doing all they can (which is considerable in terms of CIA resources) to set a different course.

With regard to Chile, Mr. Nixon could take the important step of establishing better relations with President Allende's government in an effort to allay anti-American sentiment in that country. If Mr. Nixon is sincere about supporting democratic countries, he should quit hiding behind the old Communist scare fears, regardless of the domestic political repercussions.